

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISCONSIN CLUB FOR GROWTH, INC.,
ERIC O'KEEFE, ONE WISCONSIN NOW, INC.,
and SCOTT ROSS,

Plaintiffs,

v.

ORDER

10-cv-427-wmc

GORDON MYSE, THOMAS BARLAND,
MICHAEL BRENNAN, THOMAS CANE,
GERALD C. NICHOL, DAVID G. DEININGER,
and KEVIN KENNEDY,

Defendants.

On October 13, 2010, a stay was entered in this case (dkt. #43), because of the entrance of an order temporarily restraining enforcement of a state administrative rule by the Wisconsin Supreme Court and the probability of state rule-making or judicial resolution mootng the federal constitutional challenge to the same rule at issue here. Having heard nothing from the parties for well over two years, the court recently requested a status update. (Dkt. #44.)

In response, plaintiffs' counsel has advised the court by letter that "defendants adopted an emergency rule on December 22, 2010 and voted to adopt a new permanent rule on March 22, 2011," but "for numerous bureaucratic reasons, a permanent rule has yet to be finally promulgated and adopted as of this date." (Pls.'s Notice (dkt. #45).) "Without a new permanent rule in place," counsel's letter continues "the dispute between the parties has not been fully resolved and the plaintiffs object to this case being closed

until it is.” (*Id.*) Although plaintiffs indicate that defendants have no objection to the case being held open, no timetable is provided or even suggested.

More than two years is more than long enough for this case to hang fire. Accordingly, the court will administratively close this case. In recognition of the glimmer of a possibility that permanent relief acceptable to all parties will not eventually be entered at the state level, the case is subject to reopening upon good cause shown in the event defendants should attempt to apply or enforce the second sentence of Wis. Admin. Code § GAB 1.28(3)(b).

Entered this 28th day of February, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge